

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DENNIS SISNEROS,

Plaintiff,

vs.

No. CIV 09-0213 JB/ACT

MICHAEL FISHER, in his individual capacity,
and THE COUNTY OF BERNALILLO,

Defendants.

ORDER

THIS MATTER comes before the Court on the Defendants' Objections Regarding the Proposed Deposition Testimony of Art Archuleta, filed February 10, 2010 (Doc. 63)("Objections"). The Court held a hearing on February 19, 2010. The primary issue is whether and to what extent the Court should limit the deposition testimony of Art Archuleta, a witness whom Plaintiff Dennis Sisneros listed to be called at trial by deposition. The Court will sustain in part and overrule in part the objections.

The deposition testimony about which the Defendants object is the following:

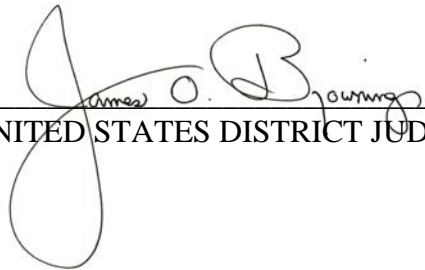
<u>Page(s)</u>	<u>Objections</u>
3:20-4:1	Hearsay
4:16-25	Relevance
6:24-25	Relevance
9:7-10:18	Relevance, hearsay
11:5-15	Hearsay
12:14-16:16	Relevance, hearsay

See Objections at 1-2. At the hearing, the Court and the parties walked through the deposition testimony -- rather than the Objections -- and the Court ruled upon each piece of testimony about which the Defendants raised an objection. See Transcript of Hearing at 44:2-47:2 (taken February 19, 2010)(Court, Wells, Villa); Deposition of Art Archuleta, filed February 10, 2010 (Doc. 63-2). For the reasons stated on the record, and for further reasons consistent with those already stated, the Court rules as follows:

1. The Defendants' objection to 3:20-4:1 is sustained.
2. The Defendants' objection to 4:16-25 is overruled. The Court also approves of the parties changing the name "Trujillo" to "Sisneros," as discussed at the hearing.
3. The Defendants' objection to 6:24-25 is overruled.
4. The Defendants' objections to 9:7-10:18 are overruled. As to 9:11-12 and the quotation on 10:15-16, however, Sisneros' statement is relevant, but cannot be offered for the truth of the matters asserted therein. The Defendants are entitled to a limiting instruction if they desire and ask for it.
5. The Defendants' objection to 11:5-15 is overruled.
6. The Defendants' objections to 12:14-16:16 are sustained in part and overruled in part. The objections are sustained as to: (i) the sentence beginning on 13:14 and extending to 13:15; (ii) the phrase and sentence "and said Dennis was in jail. He didn't know why or what happened" on 13:17-18; and (iii) the clause on 14:2 which reads "and said he had been arrested." The objections are otherwise overruled; however, the following cannot be offered for the truth of the matter asserted and, if they wish and request it, the Defendants will be entitled to a limiting instruction to that effect: (i) the quoted statement on 13:6-7; and (ii) 15:21.

IT IS ORDERED that the Defendants' Objections Regarding the Proposed Deposition

Testimony of Art Archuleta are sustained in part and overruled in part as set forth in this Order.



UNITED STATES DISTRICT JUDGE

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